

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

CLARA S. MITCHELL, etc.,

Plaintiff

v.

CIVIL ACTION NO. 3:05cv1210-B

DEBBIE A. SWEET,

Defendant

SETTLEMENT REPORT

Pursuant to the Court's order of September 5, 2006, Plaintiff files this Settlement Report. Settlement amounts for the wrongful death claim and the personal injury claim were previously agreed upon by all parties to this action, leaving for resolution certain hospital liens and a subrogation claim.

UAB Hospital has waived its lien on the hospital bills incurred for treatment of Bobby Mitchell, due to the fact that Alabama law does not permit recovery for medicals bills in a wrongful death claim. The plaintiff yesterday reached an agreement on a reduced amount to be paid on the subrogation claim of the Rawlings Company, asserted on behalf of Aetna Health Plans. UAB Hospital's lien for medical bills incurred by Clara Mitchell is due to be satisfied to the extent such bills have not been paid by other insurance.

Undersigned counsel has agreed that he will directly pay from his firm's trust account the amounts owed to satisfy the hospital lien and the subrogation claim in order to expedite and streamline the exchange of settlement funds among the parties interested in this litigation, and defendants have requested this fact be noted to the Court in this settlement report.

Plaintiff's counsel has approved with changes a draft release by the defendant, Debbie Sweet, and is awaiting a release from State Farm. State Farm's approval of paying all funds to plaintiff's counsel for distribution to the plaintiff, to the lienholder and to the subrogation

claimant, and the plaintiff's approval of State Farm's release are the only items remaining to be done before execution of releases and payment of settlement funds.

Respectfully submitted,

/s/Roger L. Lucas
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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